

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Shuwu Wu et al.	Art Unit	: 2155
Serial No.	: 09/810,159	Examiner	: Asad M. Nawaz
Filed	: March 19, 2001	Conf. No.	: 9046
Title	: VOICE INSTANT MESSAGING		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, appellants respond to the Examiner's Answer as follows.

In the response to arguments section (pages 9 and 10) of the Examiner's Answer, the Examiner responds to appellants' confusion as to how the Examiner is combining the teachings of PowWow to remedy the deficiency of Cook by asserting broad, general statements about Cook's and PowWow's teachings, minimizing the distinctions between e-mail and instant messaging systems, and providing no additional insight as to the specifics of how the Examiner is contemplating modifying Cook's system and its GUIs based on the teachings of PowWow. The Examiner begins by mischaracterizing Cook, stating that "Cook discloses many types of chat/messaging techniques" (emphasis added). Cook does not disclose any type of chat techniques. Chat occurs in real-time messaging systems. Cook's system and all of the GUIs provided by Cook's system are specific to e-mail, not to real-time chat. Cook's own disclosure characterizes the innovation provided by Cook explicitly as an innovation specific to e-mail systems:

The present invention provides a method, apparatus, and instructions for an improved e-mail system that is customizable for the particular type of content. Specifically, the mechanism of the present invention improves the user experience and effectiveness of sending messages containing different types of content through an e-mail system.

See col. 5, lines 40-45 (emphasis added). The Examiner, however, seems to gloss over the fundamental distinctions between e-mail systems and instant messaging (IM) systems by stating that Cook and PowWow disclose "strikingly similar systems" and oversimplifying the differences between the two systems as one of merely message speed. See pages 9 and 10 of the Examiner's Answer.

In glossing over the distinctions between e-mail systems and IM systems, the Examiner provides no further insight as to how he is modifying Cook's system and its non-realtime e-mail-specific GUIs based on the teachings of PowWow to arrive at a system that enables presentation of an IM GUI to a text IM recipient, the IM GUI including a display of an icon and message text inputted by the IM sender, the icon being manipulable by the recipient of the text IM to invoke voice communications through an IM host with the IM sender, wherein the presentation of the IM GUI is conditioned on communication of the text IM between the sender and the recipient, as recited in claims 1, 21 and 22. In the absence of further clarity from the Examiner and in view of the Examiner's glossing over of the distinctions between e-mail systems and IM systems in the Examiner's Answer, appellants feel compelled to discuss in greater detail the deficiencies of the GUIs presented in Cook and their incompatibility with the teachings of PowWow.

As stated above, the teachings of PowWow and Cook apply to fundamentally different platforms – i.e., the former is directed an IM/chat system that enables communications in real-time and the latter is directed to an e-mail system that enables communications in non-real-time. As discussed next, each of the GUIs described by Cook fails to satisfy the above-cited limitation, and, moreover, each of the GUIs taught by Cook is specific to an e-mail system and is, therefore, incompatible with an IM system, like that described by PowWow.

In particular, Cook's GUIs shown in Figs. 5A, 5B and 7 fail to satisfy the above-cited limitation. The GUIs of Figs. 5A, 5B and 7 show a list of mail in a user's mailbox. As shown in Fig. 7, the list of mail includes entries that use icons to distinguish between text e-mails and voice e-mails (i.e., voicemails). See col. 5, line 61 to col. 7, line 42. Since the notion of an electronic mailbox is specific to e-mail systems and inapplicable to IM systems, these GUIs are incompatible with an IM system. Even if we were to ignore this critical distinction and, inappropriately somehow treat these e-mail GUIs as IM GUIs, the GUIs of Figs. 5A, 5B and 7 would still fail to satisfy the above-cited limitation in that they do not include an icon manipulable by the recipient of a text instant message to invoke voice communications with a sender of the text instant message through an IM host. The icons (e.g., icon 714) in the e-mail entries are not selectable, and moreover, even if somehow they were deemed selectable through selection of the corresponding voice e-mail entry 702, such a selection of the voice e-mail entry

702 does not invoke voice communications with the sender of the voice e-mail through a host. Rather, it merely invokes presentation of the GUI of Fig. 8. Additionally, the GUIs of Figs. 5A, 5B and 7 do not include a display of message text inputted by the sender of the voice e-mail. Rather, in each of the GUIs of Figs. 5A, 5B and 7, the only message text shown specific to the voice e-mail entry 702 is "Test Voice Message (4 sec.)", which is notably distinct from the subject line text "Invention Disclosure (4 sec.)" shown in Fig. 8 corresponding to entry 702, which is the only message *text* shown as being inputted by the sender of the voice e-mail. Accordingly, the GUIs of Figs. 5A, 5B and 7 fail to satisfy the above-recited limitation in that they deal with presenting a mailbox to a user, a notion that is simply inapplicable to an IM system, and, moreover, even if somehow these interfaces were to be converted to IM, they would still fail to include a display of the icon and the message text required by the above-mentioned limitation.

Cook's GUI shown in Fig. 6 also fails to satisfy the requirements of the above-mentioned limitation in that it is specific to an e-mail system (e.g., it includes "subject" and "cc" line items, which are inapplicable to IM systems) and, moreover, even if it were somehow converted to IM, would still fail to include a display of the icon and the message text recited in the above-mentioned limitation. In particular, the GUI of Fig. 6 does not include an icon manipulable by the recipient of a text instant message to invoke voice communications with a sender of the text instant message through an IM host. Rather, the buttons included in the GUI of Fig. 6 are manipulable to record a voice message (record button 608), stop recording the voice message (stop button 610), play the recorded voice message (play button 612), send the voice message as an attachment to an e-mail to a recipient inputted by the user into the "to" field 602 of the GUI (send button 616), and cancel the sending of the voice e-mail (cancel button 618). See col. 7, lines 18-34. Additionally, as shown in Fig. 6, no message text inputted by a sender of a message that is received by the user is included in the GUI of Fig. 6. Rather, the GUI of Fig. 6 is a compose voice e-mail interface that enables the user to create a new voice e-mail for delivery to designated recipients.

Cook's GUI shown in Fig. 8 also fails to satisfy the requirements of the above-mentioned limitation in that it is specific to an e-mail system (e.g., it includes "subject" and "cc" line items,

which are inapplicable to IM systems, and it is invoked through user selection of a stored voice e-mail displayed in a mailbox GUI, which is also inapplicable to IM systems) and, moreover, even if it were somehow converted to IM, would still fail to include a display of an icon manipulable by the recipient of a text IM to invoke voice communications with a sender of the text IM through an IM host. Rather, the buttons included in the GUI of Fig. 8 are manipulable to playback a stored voice message attached to the e-mail (play button 802), stop playback of the stored voice message attached to the e-mail (stop button 804), send a reply e-mail to the sender of the voice e-mail (reply button 814), forward the voice e-mail to another person (forward button 816) and delete the voice e-mail (delete button 818). See col. 7, lines 51-65.

Notably, and as described above, the GUIs of Cook are user interfaces that enable users to access functions that are specific to e-mail systems and simply not applicable to IM systems. The Examiner, however, is somehow modifying one or more of these interfaces to include IM functionality in general and PowWow's voice button, in particular. See page 4, lines 7-21 of the Examiner's Answer. Given that these interfaces are specific to e-mail systems and are inapplicable to IM systems, appellants submit that a person of ordinary skill in the art at the time of the invention would not have been led to such a modification, and, therefore, the modification is improper.

Moreover, even if we assume (for the sake of argument) that a person of ordinary skill in the art would have been somehow led to a modification of Cook's system in view of PowWow's teachings (which appellants strongly refute for the above reasons and the reasons described in the Appeal Brief), the modified Cook system would still fail to meet the above-cited limitation. Applying PowWow's teachings to Cook would, at best, teach adding a voice button to Cook's GUI of Figs. 5A, 5B and 7 (e.g., next to the settings button 502) to enable voice chat functionality with one or more other users that are connected to the system, as taught by PowWow. See PowWow, page 2, Method 2. The voice button would be displayed in Cook's GUI of Figs. 5A, 5B and 7 if one or more other users are connected to the modified Cook/PowWow message system. Selection of the voice button would result in either establishment of a voice chat with one other user (if only one other user is connected to the modified Cook/PowWow message system) or in presentation of a list that enables the user to

select one or more other users to participate in the voice chat (if two or more people are connected to the modified Cook/PowWow message system) in accordance with PowWow's teachings. See PowWow, page 2, Method 2. Notably, such a voice button would not be presented in a GUI that is presented to the user conditioned on communication of a text instant message between a sender and the user, as required by the above-mentioned limitation. Rather, it would be presented to the user in a GUI that is presented to the user conditioned on at least one other user being connected to the messaging system in accordance with PowWow's teachings and further conditioned on the user connecting to the messaging system and accessing the user's mailbox, in accordance with Cook's teachings.

Appellants submit that the recited conditioning of the presentation of the GUI having the icon for invoking voice communications on receipt of a text instant message may be useful, for example, in that it results in a higher likelihood of immediate commencement of voice communications with the sender as compared to the likelihood of immediate commencement of voice communications with the sender when using systems like that disclosed in PowWow. Specifically, by having the icon in a GUI that is conditionally presented based on receipt of a text instant message from a sender, the sender, having just sent the text instant message, is much more likely to be at their communication device and immediately available to commence voice communications. In contrast, in PowWow, the voice button is displayed anytime one or more other users are merely connected through the Personal Communicator, irrespective of whether those users may be at or away from their respective communication devices and thus not likely to be immediately available to commence voice communications.

For these reasons, and the reasons stated in the Appeal Brief, appellants submit that the final rejection should be reversed.

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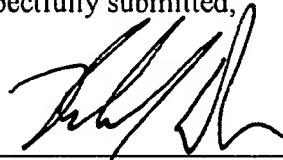
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Respectfully submitted,



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